

R E M A R K S

Initially, Applicant would like to thank the Examiner for the courtesies extended during a telephonic interview on December 19, 2001.

Claims 15-24 are pending in the application. Claims 15 and 20 are independent.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 15-24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because "the elements of the claimed system do not provide any reference to or any utility of the computer network and/or a plurality of (two or more) computers." Pursuant to the telephonic interview of December 19, 2001, Applicant has amended the preambles of independent claims 15 and 20 by deleting any reference to a "computer network" and a "plurality of computers".

Claims 15-24 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because independent claims 15 and 20 allegedly "fail to correlate this limitation (i.e. record creating means of claim 15 or a record created by the method step of claim 20) with any other limitation rendering the claim incomplete)." Pursuant to the telephonic interview of December 19, 2001, Applicant has amended claims 15-24 by deleting any reference to a "record creating means" and a corresponding created "record".

In view of the above, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 103(a)

Claims 15-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of Shavit. Regarding independent claims 15 and 20, the Office Action states that although Martin teaches an order tracking and reporting system, "Martin fails to teach that the order tracking and reporting system comprises a message forwarding means as claimed". To cure this deficiency, the Office Action relies on Shavit to teach this limitation by stating that "Shavit teaches a message forwarding means for forwarding a status to a point where it may be accessed by an interested party". Applicant respectfully traverses this rejection.

Independent claims 15 and 20 have been amended to more particularly claim the subject matter of the invention. Specifically, Claim 15 presently recites "a message forwarding means for **automatically** forwarding said status message to a point where it may be accessed by an interested party". Similarly, claim 20 has been amended to recite the step of "**automatically** forwarding said status message to a point where it may be accessed by an interested party". Support for these amendments can be found on page 7, lines 10-16 of the specification. Applicant maintains that Shavit does not disclose the automatic forwarding of a status message to a point where it may be accessed by an interested party.

Shavit is generally directed to an on-line system that serves as a transactional hub for various parties. The reference explicitly states as one of the objects of the invention that system 50 is to provide "responsive" processing means for business transactions "wherein one party to the transaction specifically selects the other party" (Col. 2, lines 31-32). Therefore, Shavit is clearly intended to operate in a responsive mode rather than an automatic mode, as required by claims 15 and 20.

The Office Action points to Col. 14, lines 10-27 as evidence that Shavit teaches a message forwarding means. However, a close reading of this paragraph reveals that the operations described are conditioned upon some prompting "by the buyer". For instance, the qualification in line 18 that "when authorized" the system 50 "can send the customer a shipment notification" clearly conditions the sending of shipment notification upon prior activity of the user to authorize the sending. Other passages in the specification support the conclusion that the Shavit system is intended to be responsive rather than automatic. For example, the paragraph at column 7, lines 47-57 of the specification indicates that, prior to any display of a message on the user-defined remote terminal, the user must flag such a message. This clearly teaches away from claims 15 and 20, which recite that the status message is to be automatically forwarded.

Therefore, Applicant maintains that Martin in view of Shavit does not teach each and every limitation of independent claims 15 and 20. For this reason, Martin in view of Shavit does not teach each and every limitation of claims 16-19 and 21-24, since these claims depend from claims 15 and 20.

In view of the above, Applicant respectfully requests the withdrawal of the rejection of claims 15-24 under 35 U.S.C. § 103(a).

C O N C L U S I O N

All the stated grounds of rejection and objection have been properly traversed, accommodated or rendered moot. Applicant therefore respectfully requests that the examiner reconsider and withdraw all of the outstanding rejections, and allow each of the pending claims.

If the examiner is of the opinion that an additional telephone conference with the undersigned representative would expedite the prosecution of this application, then please contact us at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-0683 for any additional fees required under 37 CFR 1.16 or 1.17, particularly extension of time fees.

Date: 1/15/2002

Respectfully submitted,

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